



Winston H. Hickox
*Secretary for
Environmental
Protection*

State Water Resources Control Board

Division of Water Rights

1001 I Street, 14th Floor • Sacramento, California 95814 • (916) 341-5300
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000
FAX (916) 341-5400 • Web Site Address: <http://www.swrcb.ca.gov>
Division of Water Rights: <http://www.waterrights.ca.gov>



Gray Davis
Governor

NOTICE OF PETITION FOR TEMPORARY CHANGE INVOLVING THE TRANSFER OF UP TO 200,000 ACRE-FEET OF WATER BY YUBA COUNTY WATER AGENCY UNDER PERMIT 15026 (APPLICATION 5632)

Notice is hereby given that on February 20, 2003

Yuba County Water Agency
c/o Curt Aikens
1402 D Street
Marysville, CA 95901

filed with the State Water Resources Control Board (SWRCB), a Petition for Temporary Change under Water Code section 1725, et seq. Yuba County Water Agency's (YCWA) petition requests the transfer of up to 200,000 acre-feet (af) of water to the Contra Costa Water District (CCWD) and the Department of Water Resources (DWR). Of this total, up to 15,000 af of water is intended for use by CCWD and up to 185,000 af of water is intended for use by DWR under its portion of the CALFED Environmental Water Account (EWA) and its 2003 Dry Year Water Purchase Program. Temporary changes approved pursuant to Water Code section 1725 may be effective for up to one year.

DESCRIPTION OF THE TRANSFER

YCWA proposes to transfer up to 200,000 af of water under Permit 15026 (Application 5632) to CCWD and DWR. To facilitate the transfer, YCWA proposes to release up to 200,000 af of water currently stored in the New Bullards Bar Reservoir (from the date of approval of this petition through October 31, 2003). Water would be released from New Bullards Bar Reservoir into Englebright Reservoir (via the Colgate Power House) thence the Yuba River (through Daguerre Point Dam) to the Feather River thence the Sacramento River to the Delta. Water reaching the Delta would be available for either use by DWR to provide salinity and water quality controls within the Delta or export to users within the State Water Project (SWP) or Central Valley Project (CVP) service areas (including CCWD) or to long-term groundwater storage. YCWA indicated that the release rate from Englebright Reservoir for this transfer will be up to 1,500 cfs and that the required minimum instream flows prescribed in State Water Resources Control Board (SWCB) Decision D-1644, measured at the U. S. Geological Survey (USGS) Marysville Gage (Station No. 11421000), will not be counted as part of the transferred water.

YCWA's petition indicated that up to 85,000 af of the 200,000 af transfer total will consist of surface water made available through an increase in groundwater pumping (groundwater substitution). The YCWA contractors participating in the proposed groundwater substitution plan are Brophy Water District, Browns Valley Irrigation District, Cordua Irrigation District, Dry Creek Mutual Water Company, Hallwood Irrigation Company, Ramirez Water District, and South Yuba Water District.

The remaining portion of the transfer, up to 115,000 af, consists of water previously stored in New Bullards Bar Reservoir. YCWA's petition included an agreement with DWR intended to ensure that future refill of water transferred from storage (i.e., the transfer total minus the total excess groundwater pumped) in New Bullards Bar Reservoir does not adversely impact the SWP or CVP. These procedures provide for an accounting of refill of New Bullards Bar Reservoir resulting from the proposed

transfer during balanced conditions in the Delta. Under these procedures, any refill occurring during balanced conditions in the Delta is subject to repayment to the CVP and SWP during subsequent balanced conditions.

PROPOSED TEMPORARY CHANGE

The proposed temporary change would temporarily add the Clifton Court Forebay, Tracy Pumping Plant, the Contra Costa Canal Intake at Rock Slough, the Contra Costa Water District Los Vaqueros Project Intake at Old River, and the Contra Costa Water District Mallard Slough Intake as points of redirection under Permit 15026. The service areas of the SWP (as shown on maps 1878-1, 2, 3 & 4 on file with Application 5629) and CVP (as shown on map 214-208-12581 on file with Application 5626) would be temporarily added to the place of use of Permit 15026 (the entirety of CCWD is located within the CVP). Municipal, salinity control, fish and wildlife mitigation and enhancement in accordance with Water Code 1707, and water quality control would be temporarily added as additional purposes of use under Permit 15026.

PETITIONER'S WATER RIGHTS

Permit 15026 authorizes the storage of 490,000 af of water per year from the North Yuba River between October 1 and June 30. Permit 15026 also authorizes the direct diversion of up to 1,593 cubic feet per second (cfs) from the North Yuba and Yuba Rivers between April 1 and July 1. The authorized points of diversion/redirection under Permit 15026 are located at New Bullards Bar Dam and Daguerre Dam. The authorized purposes of use under Permit 15026 are irrigation, industrial, recreation, fish mitigation and enhancement and domestic purposes within the place of use shown on map EJ-05-08-R3 (on file with the SWRCB under Application 5632).

ENVIRONMENTAL CONSIDERATIONS

Temporary changes petitioned pursuant to Water Code section 1725 are exempt from the requirements of the California Environmental Quality Act (CEQA). However, the SWRCB must consider potential impacts to other legal users of the water and to fish, wildlife, or other instream beneficial uses. YCWA has submitted two studies in support of its petition titled "*Draft Evaluation of 2002 Yuba River Water Transfers*" and "*Environmental Analysis: Proposed Temporary Transfer of Water from Yuba County Water Agency to California Department of Water Resources and Contra Costa Water District, Year 2003*". These documents are available for review in the office of the SWRCB's Division of Water Rights, at the address listed on the third page of this notice.

SWRCB'S STATUTORY PROVISIONS

Pursuant to Water Code sections 1725, et seq., the SWRCB is authorized to issue temporary change orders, allowing the transfer or exchange of water or water rights after completing an evaluation and finding that the proposed temporary changes:

1. Involves only water that would otherwise have been either consumptively used or stored by permittee or licensee;
2. Would not injure any legal user of the water;
3. Would not unreasonably affect fish, wildlife, or other instream beneficial uses; and

4. Any increase in groundwater pumping associated with this transfer (i.e., groundwater substitution) is performed in compliance with Water Code sections 1745.10 and 1745.11.

If the SWRCB cannot satisfy, in a timely manner, the provisions of Water Code section 1725, et seq., then the SWRCB may deny the petition or schedule and notice a hearing regarding the proposed temporary change.

OPPORTUNITY FOR COMMENTS

Pursuant to the requirements outlined above, the SWRCB is seeking information to assist in the evaluation of the proposed temporary change of water rights under the transfer. Any person may file comments concerning the petitions for temporary change. The comments must address the required findings set forth above. The petitioner has the burden of establishing that the proposed temporary change will not injure any legal user of water, or unreasonably affect fish, wildlife, or instream beneficial uses. If the SWRCB determines that the petitioner has established a prima facie case, the burden of proof then shifts to the party that has filed comments (Water Code section 1727). While such a determination has not been made in this case, commentors should provide sufficient information to support claims of injury or affects on fish, wildlife, or other instream uses.

Comments filed in response to this notice must be received in the office of the SWRCB's Division of Water Rights, by **3:00 p.m. on April 9, 2003**. Additionally, **the response must be accompanied by proof of service of a separate copy of the materials on the petitioner**. The petitioner's and the Division's street and mailing addresses are listed on this page. Interested parties are encouraged to file comments by FAX and to notify the following contact persons by telephone of any materials that will be submitted. However, an original copy of all materials must be received for the SWRCB to consider your concerns.

Mailing Address

Division of Water Rights
c/o Greg Wilson
P.O. Box 2000
Sacramento, CA 95812-2000
FAX: (916) 341-5400

Yuba County Water Agency
c/o Paul Bartkiewicz
1011 22th Street
Sacramento, CA 95816-4907
FAX: (916) 446-4018

Street Address

1001 I Street, 14th Floor
Sacramento, CA 95814

Please direct questions about this notice to Greg Wilson at (916) 341-5427. Questions regarding the petitioner or the transfer should be addressed to Paul Bartkiewicz at (916) 446-4254.

EDWARD C. ANTON
Division Chief

Dated: March 10, 2003